IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 229 OF 2005

Shree Consultants & Engineers. ... Appellants.
Versus.
M/s.Pethe & Associates. ... Respondents.

Shri Mandira Moitra i/by Shri Tejesh Dande for the Appellants.

CORAM : ABHAY S. OKA, J.

DATED : 23rd March, 2005.

P.C.:

1. Heard the learned Counsel appearing for the Appellants. There is a concurrent finding of fact recorded by the Courts below that there was an agreement executed by and between the Respondent No.1 and the Appellants by which the Respondent No.1 was appointed as an Architect. The Appellate Court has relied upon the fact that the agreement was signed by the original Defendant No.4 who was admittedly a partner of the Appellant No.1-firm. Apart from this fact the Appellate Court has also considered the admission given by the witness No.1 for the Appellants that the Appellants had entered into agreement with the Respondent No.1 firm and that the same was signed by the original Defendant No.4.

2. The Courts below have considered the oral and documentary evidence on record and have recording a finding of fact that there was an agreement between the

parties which was binding. Even assuming that some other conclusion can be drawn on the basis of the evidence on record it is not permissible to interfere in a Second Appeal under section 100 of the Code of Civil Procedure, 1908.

3. No substantial question of law arises. The Second Appeal is dismissed with no order as to costs.

Judge.